

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

DELIVERMED HOLDINGS, LLC, LINDA DEETER
and WILLIAM R. DEETER ASSOCIATES, INC.,

Plaintiffs,

v.

MICHAEL L SCHALTENBRAND, JOEY D. SIDDLE
and MEDICATE PHARMACY, INC.,

Defendants.

Case No. 10-cv-684-JPG-DGW

consolidated with

MARK A SWIFT,

Plaintiff,

v.

MEDICATE PHARMACY, INC., and MICHAEL
SCHALTENBRAND,

Defendants.

Case No 10-cv-685-JPG-DGW

MEMORANDUM AND ORDER

This matter comes before the Court on the defendants' motion to strike certain prayers for relief in the First Amended Consolidated Complaint (Doc. 124) and motion to dismiss all claims against defendant Joey Siddle (Doc. 126). Since the defendants filed the motions, the plaintiff has filed the Second Amended Consolidated Complaint (Doc. 145). Because the motions are directed at the First Amended Consolidated Complaint, which is no longer the operative pleading in this case, *Massey v. Helman*, 196 F.3d 727, 735 (7th Cir. 1999), the Court **DENIES as moot** the motions to strike and to dismiss (Docs. 124 & 126).

IT IS SO ORDERED.

DATED: November 16, 2011

s/ J. Phil Gilbert
J. PHIL GILBERT
DISTRICT JUDGE